IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

In re patent application:

Appl. No.	:	10/675,368	Confirmation No.:5982
Applicant	:	Paul Mayer	
Filed	:	September 30, 2003	
Art Unit	:	3628	
Examiner	:	Nathan Erb	
Attorney Docket No. :		F-322	Date: May 8, 2008

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

Appellant submits this Reply Brief in response to the Examiner's Answer dated March 20, 2008.

The Commissioner is hereby authorized to charge any additional fees that may be required for this appeal or to make this brief timely or credit any overpayment to Deposit Account No. 16-1885.

ARGUMENT

Independent Claim 1 is Patentable Over the Asserted References

In the Appeal Brief, Appellants cited a passage in the primary reference, U.S. Patent 6,334,119 to Gagliardi ("Gagliardi") in support of the proposition that Gagliardi's teaching is contrary to the recitations of claim 1. The paragraph at Col. 8, lines 20-36, discloses that mail run data is stored in the memory of the inserter control system. This teaching is in conflict with the recitation in claim 1 requiring "the controller computer configured for transmitting inserter status data in real-time, without need for withdrawal of information from a database or repository in the controller computer."

In response, the Examiner cited the next paragraph in Gagliardi, col. 8, lines 37-50, as disclosing an alternative embodiment which the Examiner asserts as disclosing the relevant features. That paragraph does use the term "real-time," but as the Examiner has acknowledged, the nature of "real-time" taught in Gagliardi is different that the normal usage of the term. In Gagliardi, the alternative embodiment involves sending data on a "configured time interval." This "configured time interval" would still require storing information in a local database in the inserter, and would not meet the limitations quoted above. The second embodiment relied upon by the Examiner is only different from the first in that the user of the central OMS (Operating Management System) can define predetermined intervals at which data is to be uploaded from the inserter computer.

Even considering the paragraph relied upon by the Examiner, Gagliardi does not meet the limitations recited in claim 1, and does not meet the needs as identified in the present application. In fact, that alternative embodiment was disclosed in the background section of the present application in explaining the short-comings of the prior art. The Background section states that, "Such database is typically stored on a hard drive on a controller computer. Periodically this database is uploaded to an external network server from the controller computer hard drive." Specification, page 4, lines 1-3. Therefore, Gagliardi only describes the conventional system that was to be improved upon by the present invention. Gagliardi also does not teach the recited

network features of "the data processing objects configured for passing processed status data directly to a network protocol object for transmittal" and "network port for directly transmitting status data processed by the network protocol object to an external network." Appellant submit that the Examiner's arguments focus too much on the end results of providing data from an inserter computer to a network. Rather, independent claim 1 is directed to the manner and means by which that result is achieved.

For these reasons, and the reasons previously argued in the Appeal Brief, Appellant request that the rejection of claim 1 and dependent claims 3-5 be overturned.

Respectfully submitted,

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